

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Herbert Reiners and David Pelczmann

Serial No.

Filed: May ⁴/₃, 2001

For: Reissue of U.S. Patent No. 6,138,815

Attorney's Docket: 1113-001PRE/FLS

Reissue Declaration by Inventors

We, the undersigned, Herbert Reiners and David Pelczmann, are inventors of the invention described and claimed in U.S. Patent 6,138,815 and as described and claimed in our application, filed herewith, for reissue of said Patent No. 6,138,815.

We believe we are the original, first and joint inventors of the subject matter which is claimed in the above identified application and for which patent is sought on our invention entitled "CONVEYOR SYSTEM FOR LOAD-CARRYING CARTS"

We have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in this declaration.

We acknowledge our duty to disclose all information known to us to be material to patentability as defined in 37 C.F.R. 1.56.

Upon review of the claims of patent No. 6,138,815, as issued, we believe that the patent is partly inoperative by reason of claiming less than we were entitled to claim. More specifically, the claims of the patent, which require that the conveyor mechanism comprise "laterally spaced, opposed" endless conveyor bands, are potentially unduly limiting and may permit important substantive aspects of our invention to be practiced while avoiding literal infringement of the claims. As set forth in the specification of Patent No. 6,138,815, Col. 6, Line 58 to Col. 7, Line 22, an important feature of the invention resides in the provision of means for "positively preventing the front of the cart from lifting as it is being propelled along the conveyor path." Pursuant to our invention, when the cart is being conveyed, an anti-lift element,(e.g., a retaining element 53-54 or, in carts with a single front wheel, retaining elements 82), is received within a retaining track in the central region of the conveyor to provide positive tilt prevention. This important safety feature is operative with a variety of conveyor arrangements, and particularly with conveyors comprising "one or more" endless conveyor bands, as now set forth in new claims 25-30 of this application. See also Col. 10, Lines 37-55 of our Pat. No. 6,138,815.

The restriction of the claims of our patent No. 6,138,815 to the use of "laterally spaced, opposed endless conveyor bands" is an error that results in the patent claiming less than we had a right to claim. The patent is thus deemed to be partly inoperative because the claims thereof do not, at least literally, encompass the alternative configurations referred to above, and because the patent does not contain claims of the scope of new claims 25-30 of this re-issue application.

New Claim 25 is based upon the language of claim 1 of the patent, differing therefrom in calling for "one or more" endless conveyor bands, instead of "laterally spaced, opposed" conveyor bands. Additionally, claim 25 calls for the one or more conveyor bands to be engageable with the cart , but not necessarily "closely adjacent" the first wheels.

The specification and drawings of our original patent 6,138,815 clearly support the new claims 25-39.

All errors being corrected in this reissue application arose without any deceptive intention on the part of the applicants.

Offer to Surrender Original Deed:

The applicants, owners or all right, title and interest in and to U.S. Patent 6,138,815, hereby offer to surrender the original deed to said patent, when this application is otherwise in condition for allowance.

Each of the undersigned hereby declares: that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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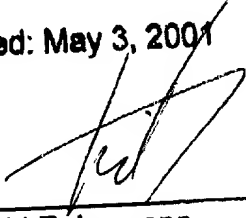
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